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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,887	09/15/2003	Herbert Lange	82145	1147

7590 12/29/2004
KRIEGSMAN & KRIEGSMAN
665 Franklin Street
Framingham, MA 01702

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,887	Applicant(s) LANGE ET AL.	
	Examiner Stephen Gravini	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 4, 6-8, 11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sevcik et al. (US 5,655,312). Sevcik is considered to disclose the claimed invention comprising:

an apparatus **2** for curing radiation curable coatings, which has at least one irradiation chamber **6** provided with a plurality of UV radiation sources **16**, wherein a plurality of UV radiation sources are arranged close to one another and interconnected to form one or more irradiation modules, the aluminance inside an irradiation module and/or between at least two irradiation modules being spatially variable (please see column 2 lines 15-27 wherein the disclosed reflector structure is considered to anticipate the claimed spatial variability because both perform the same function, in the same manner with the same result). Sevcik is also considered to disclose the claimed ventilation system **4**.

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Rudd (US 5,901,462). Rudd is considered to disclose the claimed invention comprising:

an apparatus **10** for curing radiation curable coatings, comprising a plurality of irradiation modules **24** at least spatially surrounding an irradiation chamber **18**, each irradiation module being provided with a plurality of UV radiation sources (please see

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column 12 line 27) arranged close to one another and interconnected (please see column 11 line 44), the illuminance inside an irradiation module and/or between at least two irradiation modules being spatially variable (please see column 6 lines 12-23 wherein the disclosed emitters supported along a circumferential surface is consider to anticipate the claimed spatial variability because another definition of spatial variability from the specification includes a spatial arrangement relative to one another to realize a multiplicity of geometric arrangements and in both the claimed invention and primary reference Rudd, both are spatially arranged relative to one another).

Claim Rejections - 35 USC § 103

Claims 2, 5, 9, 12, 15-16, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik. Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed wattage and reflector angle. It would have been an obvious matter of design choice to claim a specific wattage or reflector angle, since the wattage and angles claimed are not considered patentably distinct from the wattage and angles taught in the prior art cited in this application.

Claims 3, 10, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Rudd et al. (US 5,634,402). Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed spectrum. Rudd is considered to disclose the claimed spectrum at column 4 lines 50-55. It would have been obvious to one skilled in the art to claim a specific spectrum for the purpose of optimizing the radiation curing coating of an object.

Response to Arguments

Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive.

preliminary matter

It is noted that the first independently claimed invention recites aluminance while the second independently claimed invention recites illuminance. Since both embodiments contain separate recitations, it is unclear from the specification the patentable distinction from those recitations.

anticipation

Applicants argue that the statement of intended use, specifically for curing radiation curable coatings, is not disclosed in the prior art. That argument is not considered to patentably distinguish the claimed invention over the prior art because both the primary reference and claimed invention can be used for curing radiation curable coatings.

Applicants also argue that the primary reference Sevcik does not disclose a plurality of UV radiation sources. However in column 2 line 17 of that reference, the disclosed bulbs inherently discloses the argued plurality because both are considered more than one or a plurality.

Applicants further argue that one or more modules is not found in Sevcik, but at column 2 line 26, the disclosed mounting means is considered to anticipate the claimed one or more modules for two reasons. First, the claim is not limited to more than one,

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so a single mounting mean anticipated the claimed module. Second, mounting means can be broadly and reasonably construed to include more than one mean or modules.

Finally, current Office practice allows broadest reasonable claim interpretation in light of the specification. In this case, the claimed feature of spatially variable is defined in the specification such that spatial variability can be set by enveloping surfaces of radiation sources of a single module (specification page 3 line 10). Under this definition, the disclosed door and slide plate at column 3 line 41-66 of Sevcik is considered to anticipate the claimed spatial variable because both are considered to fulfill the argued purpose and function of enveloping or covering the irradiation module. Another specification definition of spatial variability is a spatial arrangement relative to one another to realize a multiplicity of geometric arrangements. The second anticipatory rejection addresses this other spatial variable feature definition.

For the reasons presented, the anticipatory rejection is considered proper and maintained.

obviousness

Applicants argues that the obviousness rejections should be withdrawn based on the anticipatory rejection arguments. Those arguments have been considered and since the anticipatory rejection is maintained, the obviousness rejection is considered proper and maintained.

Conclusion

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL..** See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 571 272 4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
December 23, 2004

Steph M. Gravin

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040820

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents